

1 DANIEL J. BRODERICK, Bar #89424
2 Federal Defender
3 DAVID M. PORTER, Bar #127024
4 Assistant Federal Defender
5 801 I Street, 3rd Floor
6 Sacramento, California 95814
7 Telephone: (916) 498-5700

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9 Attorney for Petitioners
10 ALONZO DEON JOHNSON and DARRYL THOMPSON

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12
13 IN THE UNITED STATES DISTRICT COURT
14
15 FOR THE EASTERN DISTRICT OF CALIFORNIA

16 ALONZO DEON JOHNSON,) No. Civ. S 03-2063 RBB JFM P
17 Petitioner,)
18 v.) **UNOPPOSED APPLICATION TO EXTEND**
19) **TIME TO FILE POST-HEARING BRIEFS;**
20) **DECLARATION OF COUNSEL; ORDER**
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16 DARRYL THOMPSON,) No. Civ. S 04-2208 RBB JFM P
17 Petitioner,)
18 v.) **UNOPPOSED APPLICATION TO EXTEND**
19) **TIME TO FILE POST-HEARING BRIEFS;**
20) **DECLARATION OF COUNSEL; ORDER**
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22 Pursuant to Local Rule 6-142, Petitioners, ALONZO DEON JOHNSON and
23 DARRYL THOMPSON, by and through their counsel, Assistant Federal
24 Defender David M. Porter, hereby request an extension of 14 days in
25 which to file the post-hearing reply brief, which is currently due on
26 April 10, 2008.

27 This extension is being sought for the reasons set forth in the
28 accompanying declaration of counsel.

This extension is not interposed to unduly delay the proceedings, to gain unfair advantage, or for any other improper purpose. The undersigned has contacted respondent's counsel, Deputy Attorney General R. Todd Marshall, who graciously indicated that he has no opposition to the requested extension. Accordingly, petitioners request this Court enter the order lodged with this request.

Dated: April 10, 2008

Respectfully submitted,

DANIEL J. BRODERICK
Federal Defender

/s/ David M. Porter
DAVID M. PORTER
Assistant Federal Defender
Attorney for Petitioners

1 DECLARATION OF COUNSEL

2 I, David M. Porter, declare as follows:

3 1. I am employed by the Office of the Federal Defender for the
4 Eastern District of California and the attorney responsible for the
5 above-entitled matter.

6 2. On February 20, 2008, this Court issued an order setting the
7 deadline for the filing of post-hearing briefing, the reply brief of
8 which is due April 10, 2008.

9 3. While the undersigned has exercised diligence in meeting the
10 deadline, he has been unable to do so because of significant
11 responsibilities he incurred when he was assigned to assist inmates in
12 the Eastern District of California apply for reductions in sentence
13 pursuant to the retroactively applicable crack cocaine amendment of the
14 United States Sentencing Commission. In addition to these
15 responsibilities, the undersigned has oral argument on April 14, 2008
16 in *Lugo v. Terhune*, Ninth Cir. Docket No. 07-16031.

17 4. On April 10, 2008, respondent's counsel, Deputy Attorney
18 General R. Todd Marshall, graciously indicated that he had no objection
19 to the requested extension.

20 I declare under penalty of perjury that the matters herein as to
21 which I have personal knowledge are true and correct, and as to other
22 matters, I believe them to be true and correct.

23 DATED: April 10, 2008

25 /s/ David M. Porter
26 David M. Porter

ORDER

Pursuant to the unopposed application of petitioners, and good cause appearing therefor, the request for extension of time to file the post-hearing reply brief is GRANTED. The reply brief is due April 24, 2008. No further extensions of time will be granted.

DATED: April 14, 2008.

John F. Marullo
UNITED STATES MAGISTRATE JUDGE

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